

BAY-DELTA PUBLIC ADVISORY COMMITTEE WATERSHED SUBCOMMITTEE

Meeting Summary

Meeting Date/Location: Friday, January 18, 2002
Jones & Stokes
2600 V Street
Sacramento, CA 95818

Meeting Attendees: See Attachment A

Meeting Handouts: See Attachment B

Action Items: See Attachment B

Welcome and Introductions

Robert Meacher and Martha Davis, Watershed Subcommittee Co-chairs, began the meeting with a welcome and round of introductions of all meeting participants (see Attachment A).

Status of the Bay-Delta Public Advisory Committee (BDPAC) and Subcommittees

Eugenia Laychak, CALFED/BDPAC, provided a status report on BDPAC and its subcommittees. She stated that BDPAC's charter was signed by Secretary Gail Norton in June 2001. Members of BDPAC were approved in October 2001, and the first official meeting was held December 5, 2001. The purpose of BDPAC is to advise and assist in implementing the CALFED Bay-Delta Program. Ms. Laychak presented a diagram illustrating the organizational structure of BDPAC and its subcommittees. The diagram depicted BDPAC as reporting to the CALFED Policy Group, which is overseen by the Secretary of the Interior and the Secretary of Resources. Ms. Laychak stated that in addition to BDPAC subcommittees, public work groups have been convened and will report to BDPAC. Examples of some public work groups include the Delta Protection Commission, North Delta Improvements Group, Association of Bay Area Governments (ABAG)/CALFED Task Force, and the Battle Creek Conservancy. Ms. Davis suggested that a list of all public work groups be compiled so interested parties can see what forums exist and decide which ones they would like to participate in. It was also noted that there would be a forum for each of the CALFED regions.

Ms. Laychak then led a discussion on some of the similarities and differences of the prior Bay-Delta Advisory Council (BDAC) Watershed Work Group and the new BDPAC Watershed Subcommittee. Some of the similarities include

- same co-chairs,
- open membership,
- same operational structure, and
- same governance structure.

In contrast, some of the differences include

- name change (from BDAC Watershed Work Group to BDPAC Watershed Subcommittee),
- stronger connection to overseeing body (BDPAC),
- different responsibilities (moving from planning function to implementation function), and
- different priorities.

Ms. Laychak concluded by informing the meeting participants that BDPAC will be looking for help from the Watershed Subcommittee to set priorities and assist with Program balance and integration.

Discussion

Ms. Laychak was asked how the public work groups are convened. She replied that it varies; some of the work groups were formed at the local level and others through CALFED agencies. For example, the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (BOR) have convened some of the work groups. Others have been self-started, such as the ABAG/CALFED work group.

A meeting participant inquired how the priorities for the BDPAC Watershed Subcommittee vary from those of the previous BDAC Watershed Work Group. Ms. Laychak responded that the BDAC Watershed Work Group was previously focused on planning and developing a framework for the Watershed Program, whereas now the focus is on implementation and integration. Ms. Davis added that the Watershed Subcommittee's ability to report back to BDPAC will be much more direct than it was with BDAC. BDPAC's agenda will be much more closely related to the subcommittees' agenda, and communication will be tightened.

Ms. Laychak was asked to name the other appointed BDPAC subcommittees. She replied that seven subcommittees have been approved so far.

- Watershed
- Ecosystem
- Water Use Efficiency
- Drinking Water Quality
- Water Management
- Levees and Habitat Group
- Environmental Justice

In response to an inquiry about participation in other BDPAC subcommittees, Ms. Laychak indicated that some of the subcommittees have a more formal structure and membership. For

example, the Ecosystem, Water Use Efficiency, and Drinking Water Quality subcommittees all have formalized membership compared to the open membership policy of the Watershed Subcommittee. However, all of the subcommittee meetings are open to the public and have time allocated on the agenda for public comment. Subcommittee meetings are posted on CALFED's website: <http://calfed.ca.gov> under the Public Involvement Calendar. Ms. Laychak was also asked if minutes from the subcommittee meetings would be posted on CALFED's website. She stated that meeting minutes would be either posted on the website or distributed through email reflectors. Ms. Davis stated that she would like to make sure meeting minutes are publicly available so interested parties can stay up to date with the CALFED programs and decide whether to attend the subcommittee meetings.

A meeting participant asked whether the BDPAC subcommittees were required to abide by federal and State meeting requirements. Ms. Laychak responded that BDPAC must adhere to both; however, the BDPAC subcommittees are subject only to state meeting requirements.

Watershed Program Management Update

Watershed Program Memorandum of Understanding (MOU)

John Lowrie, Watershed Program Manager, provided an update on the Watershed Program MOU. The purpose of the MOU is to provide a framework for implementation of the Watershed Program Plan. The MOU was completed in August 2001 and is being circulated for signature by multiple federal and State agencies.

One of the elements of the MOU is to reconvene the Interagency Watershed Advisory Team (IWAT). IWAT will largely be responsible for developing annual Implementation Plans for the Watershed Program.

Watershed Program Annual Report

Mr. Lowrie stated that the Watershed Program team is working on an Annual Report to document the Program's progress over the past year. The report will be distributed to legislators, agency representatives, and the public. Input from the Watershed Subcommittee will be invited.

Watershed Program Budget Status

Mr. Lowrie reported on the Watershed Program's budget status, indicating that there was both good news and bad news. The good news is that the Governor's budget for 2002–03 was released on January 10, 2002, and includes \$519.3 million for the State's share of the CALFED Bay-Delta Program. Included in this total request is \$35.3 million for implementation of the Watershed Program. However, \$20.6 million of this money is dependent on the passing of Proposition 40 (aka the Parks Bond). The rest of the \$35.3 million would come from Proposition 13 (\$10 million) and the State's General Fund (\$4.7 million).

Mr. Lowrie then explained that the bad news is related to the State's current fiscal difficulties, which have had a devastating effect on the current year Watershed Program budget. The original appropriation for 2001–02 was \$20 million—\$10 million each from Proposition 13 and the State's General Fund. Although the \$10 million from Proposition 13 is still intact, the General Fund monies have been decreased to \$4.7 million.

Discussion

Ms. Davis raised some concerns regarding the lack of funding and the Watershed Program's ability to meet its commitments as illustrated in the CALFED Record of Decision (ROD). If the Watershed Program is not adequately funded, meeting its objectives will not be possible. The Watershed Program staff and Subcommittee should make this connection clear.

Ms. Davis also stated that Watershed Program staff and stakeholders should be cautious about depending on General Fund monies being available given the current budget. Watershed Program staff and Subcommittee should identify priority projects and actions and be prepared for a "worst case" scenario. She suggested that this topic be on the agenda for the next meeting.

Asked whether there are any restrictions on how Proposition 40 funds are used, Mr. Lowrie responded that it is still unclear which agency will administer the funds; however, the funds are anticipated to be quite flexible with no restrictions.

Mr. Lowrie was asked how much money was currently available for projects this year. He replied that \$10 million of Proposition 13 funds are available in addition to approximately \$1.5 million in General Funds.

Planning for Future Watershed Subcommittee Meetings

Ms. Davis raised the topic of dates and locations for future Watershed Subcommittee meetings. After some discussion, the meeting participants noted that the third Friday of the month continues to be a good date for the meetings. Ms. Davis suggested that approximately three monthly meetings be held outside of Sacramento to improve outreach and to view some Watershed Program implementation projects. The first "road show" meeting suggested was Los Angeles on March 15, 2002.

A couple of concerns were raised regarding the road show meetings. One meeting participant stated that many of the Sacramento meeting attendees would not be able to travel that far; therefore, much of the "core group" of the Watershed Subcommittee would not attend a meeting in Los Angeles. Others suggested that the purpose of the road show meetings is to broaden public outreach and build a bigger constituency and more partnerships. A meeting attendee from southern California stated that there is a lot of interest in CALFED activities in the southern part of the state, and a meeting in Los Angeles would be very beneficial to all parties.

The majority of the meeting participants were amenable to holding three road show meetings of the Watershed Subcommittee. Mr. Meacher proposed the following schedule:

Friday, February 15—Sacramento
Friday, March 15—Los Angeles
Friday, April 19—Sacramento
Friday, May 17—Sacramento
Friday, June 21—Cache Creek Watershed

Friday, July 19—Sacramento
Friday, August 16—Sacramento
Friday, September 20—Feather River Watershed

Feedback on Watershed Subcommittee Meetings

Several meeting participants commented on the high number of attendees that were present at the Watershed Subcommittee meetings. Ms. Davis asked the meeting attendees why they continued to participate in the meetings. The following are some of the replies:

The Watershed Subcommittee meetings...

- provide a forum to promote a watershed agenda for the state
- provide networking opportunities
- connect local watershed groups with Sacramento and water/watershed policy
- provide information that one can share with his or her local constituency
- provide a forum to set policies and get work done
- are a good break from the day-to-day struggle of watershed management
- provide support for local watershed managers
- allow local government to stay connected with statewide watershed policy and other local watersheds
- connect with environmental justice issues
- shape watershed approaches in California

CALFED Environmental Water Program

Craig Stevens (Jones & Stokes/CALFED Consultant Team) provided an update on the CALFED Environmental Water Program (EWP). The EWP is a component of the CALFED Ecosystem Restoration Program (ERP) with the purpose of acquiring water from willing sellers for instream flows. Per the CALFED ROD, the EWP has a commitment of acquiring 100,000 acre-feet of water during the first 7 years of CALFED implementation (Stage 1). Mr. Stevens stated that although many people confuse the EWP with the CALFED Environmental Water Account, the EWP is an entirely different program.

Mr. Stevens explained that while the goal of the EWP is to acquire long-term water, initial implementation will occur through a Pilot Water Acquisition Program (PWAP). The goal of the PWAP is to acquire water in support of the ERP to

- enhance instream flows that are biologically and ecologically significant,
- improve the state of scientific knowledge related to the effects of instream flows, and
- gain knowledge regarding the institutional and social constraints facing environmental water acquisitions.

Mr. Stevens presented a diagram depicting six phases of the PWAP.

- Phase 1—Conduct public outreach (ongoing)
- Phase 2—Develop list of priority acquisitions
- Phase 3—Identify willing sellers

- Phase 4—Select proposed acquisitions and develop environmental compliance strategy
- Phase 5—Negotiate acquisitions and complete environmental compliance
- Phase 6—Conduct monitoring and adaptive management and assess lessons learned

Mr. Stevens explained that the EWP is currently in Phase 2 and is focusing on identifying potential streams for water acquisitions. The selection of potential streams is based in part on the results of the U.S. Fish and Wildlife Service (USFWS) Water Acquisition Program biological priorities. Additionally, the EWP Consultant Team has developed a database containing baseline information for candidate streams (available online at <http://www.calfedewp.org>). The baseline information collected thus far includes

- biological priority (according to the USFWS Watershed Acquisition Program),
- anadromous species data,
- biological monitoring information,
- flow data and objectives,
- restoration activities, and
- presence of local active groups.

Using the baseline information and a selection process, the EWP Consultant Team has recommended five priority streams in which to pursue water acquisitions from willing sellers. CALFED staff is currently reviewing the recommendations.

Mr. Stevens concluded by explaining the next steps for the EWP will be to

- make final decision on priority streams,
- develop and implement the Public Outreach and Participation Plan,
- develop stream-specific needs,
- develop preliminary scientific and institutional hypotheses,
- develop process for evaluation proposal and processing water acquisitions, and
- select 1–3 pilot projects.

Discussion

A meeting participant asked Mr. Stevens who will develop the institutional hypotheses for the PWAP. He replied that the EWP Consultant Team in coordination with the CALFED EWP staff will develop the hypotheses.

Mr. Stevens was asked what the duration of the acquired water rights would be. He replied that the EWP is looking for long-term water rights in order to effectively assess the benefits of additional instream flows.

A question was raised regarding funding for the EWP. Mr. Stevens stated that the EWP currently has \$6–8 million available from federal funds to acquire water. Additional funds will come from ERP monies and will be available through a competitive process with other ERP projects.

A meeting participant asked Mr. Stevens whether he was confident that the EWP could be

implemented according to CALFED's solution principles, especially with regard to third-party impacts. Mr. Stevens stated that he was confident that the EWP could be implemented according to CALFED's solution principles, adding that the EWP would not implement anything that is not acceptable at the local level.

Mr. Stevens was asked whether the EWP would be looking to acquire water above dams. He replied that it will depend on the circumstances, but it is conceivable.

A meeting attendee inquired about the status of the EWP Work Group. Mr. Stevens responded that it is likely that the EWP Work Group will be folded into the new BDPAC ERP Subcommittee.

Status of Watershed Program 2000–2001 Contracts

Dan Wermiel (Watershed Program) provided an update on the status of the contracts funded through Watershed Program 2000–2001 funds. He stated that 54 projects were selected for funding during last year's Proposal Solicitation Process (PSP). Draft contracts for those projects have been sent to the majority of the 54 applicants for review. In approximately 1 month, applicants should receive a final contract, which will be executed by State General Services. It is anticipated that contracts will be executed by April.

Mr. Wermiel also noted that although June 2004 was the original deadline for contract work, the date could be moved up by 1 year to June 2003 in order to ensure that the appropriations are encumbered within the allotted timeframe. No final decision has been made to shorten the timeframe, but applicants should have a contingency plan just in case. Dennis Bowker (Watershed Program) added that he has confidence that this will not happen. Watershed Program staff is currently investigating alternatives to shortening the timeframe.

Proposition 13 2001–2002 Request for Concept Grant Proposals

Mr. Lowrie and Bill Campbell, State Water Resources Control Board (SWRCB), provided an overview of the Proposition 13 Phase 2 Request for Concept Grant Proposals (RGCP). The RGCP is a joint process led by the SWRCB and CALFED. The RGCP is a 2-step process—submission of a concept proposal and, if the concept is selected, a full proposal. Concept proposals are due by 5:00 p.m. on February 1, 2002. Proposals are being solicited for five individual programs:

- SWRCB Watershed Protection Program (\$10 million)
- SWRCB Nonpoint Source Pollution Control Program (\$22 million)
- SWRCB Coastal Nonpoint Source Control Program (\$30 million)
- CALFED Watershed Program (\$10 million)
- CALFED Drinking Water Quality Program (\$10 million).

Mr. Lowrie stated that the concept proposals submitted to the Watershed Program will be subject to a review process similar to last year. A diverse selection panel of approximately 24 members

will review the concept proposals and recommend a percentage of them for full proposal development. One difference from last year, however, is that only \$1 million will be available for watershed planning; the remaining \$9 million must be used for project implementation.

Mr. Campbell explained that other differences include specific eligibility requirements. Proposition 13 requires that a portion of funds be set aside for small and disadvantaged communities. Therefore, funds from this year's Proposition 13 Watershed Program may go only to those communities. Mr. Campbell pointed out, however, that a small and disadvantaged community may be a subset of a larger community.

The complete application and additional information are available at www.swrcb.ca.gov.

November Watershed Work Group Meeting Debriefing

Ms. Davis led a debrief of the Joint California Biodiversity Council and CALFED Watershed Work Group meeting held in November 2001 in Modesto, California. She began by listing some of the pros and cons of the meeting. Some of the positive aspects of the meeting included

- good turnout, especially by agency representatives,
- great local watershed presentations, and
- very helpful discussions.

On the other hand, Ms. Davis stated that there was a lack of local watershed groups present, perhaps because the meeting date was announced late. Additionally, some of the presenters did not adequately describe the link between the CALFED Bay-Delta Program and their own watersheds.

Other meeting participants who attended the November meeting shared their thoughts. Many felt that the meeting was very useful, especially in describing the purpose of the Watershed Program. One meeting participant stated that the meeting was valuable to the local people and other newcomers. Two of the purposes of the meeting were to interact with the local watershed groups and increase public outreach—both of which were accomplished. Other comments suggested that more outreach should be conducted before the meeting (for example, water districts should have been invited as well as more local watershed groups).

Assembly Bill 2117

Ken Coulter, SWRCB, gave an update on the status of Assembly Bill 2117. The legislation states that a final report is due by February 1, 2002. The report is currently in draft form and is nearly ready to be presented to the Governor for his review. Mr. Coulter reminded the meeting participants that the report is based largely on research that the SWRCB and Resources Agency staff conducted with 10 local watershed groups. He stated that some of the key findings from the report include

- local watershed management works, and the State should support it;
- there is a lack of money available for watershed monitoring and organizational support;

- coordination among State agencies needs to be improved; and
- there is a lack of technical assistance available from agencies.

Some of the recommendations listed in the report include

- setting a state policy regarding watershed management,
- developing a state watershed strategic plan, and
- providing long-term state support to local watershed groups.

Mr. Coulter concluded by informing the meeting participants that copies of the legislative report will be available after it is presented to the legislature.

Discussion

Ms. Davis remarked that the report will present opportunities for local communities to talk with their legislative representatives about their watershed programs. It also provides a framework for promoting to the State the importance of watershed management.

Other meeting participants raised concerns that an open process was not used during the development of the report. Many attendees felt that the Watershed Subcommittee should have been consulted during the development. Ms. Davis stated that the Watershed Subcommittee should use the report as a platform for the next steps. She suggested that the group follow up with this topic at the next Watershed Subcommittee meeting.

Watershed Updates

Luree Stetson, California Department of Conservation (DOC), presented a handout summarizing major findings regarding the Resource Conservation District (RCD) Coordinator Grant Program. The major accomplishments of the \$2 million program include:

- more than \$13 million in watershed funding has been obtained as a result of the watershed coordinators,
- more than 400 businesses and agencies have been included as partners for watershed improvement activities, and
- 46 of 62 short-term objectives have been completed.

Mr. Wermiel announced that a BDPAC Environmental Justice Subcommittee has been formed. The first meeting will be in Sacramento on February 26, 2002.

Josh Bradt, Urban Creeks Council, announced that the Environmental Justice Coalition on Water will be hosting a public meeting on January 25, 2002, in Los Angeles. One of the goals of the meeting is to try to connect the northern and southern regions of the state. Items to be discussed include water quality, community-based programs, and restoration activities. Mr. Wermiel added that the preceding day, January 24, 2002, will be the fifth and final CALFED Environmental Justice workshop, also to be held in Los Angeles.

Laurel Ames, Sierra Nevada Alliance and California Watershed Network, announced that the California Watershed Network will host a Watershed Legislation Day in Sacramento. More information will follow.

Fraser Sime, DWR, announced that the PSP for the DWR's Urban Stream Program is now available. The deadline for proposals is March 6, 2002.

The meeting was adjourned.

Attachment A

MEETING PARTICIPANTS

Name	Affiliation
Ames, Laurel	Sierra Nevada Alliance
Barris, Lynn	Friends of the River
Bowker, Dennis	CALFED Watershed Program/Sacramento River Watershed Program
Bradt, Josh	Urban Creeks Council
Brodie, John	San Joaquin County Resource Conservation District
Brown, Karen	California Department of Water Resources
Buzzard, Diane	U.S. Bureau of Reclamation
Campbell, Bill	State Water Resources Control Board
Cantrell, Steve	California Department of Fish and Game
Clayburgh, Joan	Sierra Nevada Alliance
Coon, Kristin	Calaveras County Water District
Cooper Carter, Kristin	California State University Chico
Crooks, Bill	City of Sacramento
Cunningham, William	Natural Resource Conservation Service
Davis, Martha	Inland Empire Utilities Agency
Del Rosario, Rosalie	National Marine Fisheries Service
Eggeman, Eda	California Department of Fish and Game
Fox, Dennis	White River CRMP
Fry, Vicki	Bookman-Edmonston
Gallegos, Tony	Lake County
Gaumer, Dianne	Deer Creek Watershed Conservancy
Gonzales, Robert	Easy Bay Municipal Utilities District
Gould, Randy	U.S. Forest Service
Gresham, Rich	Placer County Resource Conservation District
Harris, Bob	Cow Creek Watershed Management Group
Haze, Steve	Millerton Area Watershed Coalition
Heiman, Dennis	Central Valley Regional Water Quality Control Board
Helfer, Dana	California Coordinated Resource Management Program
Jacobs, Selene	Jones & Stokes
Jerauld, Frank	Amador Resource Conservation District
Johnson, Mel	City of Sacramento
Keller, Mary	Sutter County
Knecht, Mary Lee	Jones & Stokes
Lavelle, Jane	City and County of San Francisco
Laychak, Eugenia	CALFED Bay-Delta Program
Leininger, Chris	Ducks Unlimited
Lopez, Gaye	Colusa Basin Drainage District
Lorenzato, Stefan	California Department of Water Resources
Lowrie, John	CALFED Watershed Program
Matson, Tanya	Jones & Stokes

Meacher, Robert
Nakamura, Gary
Martin, Anjanette
Ohlson, John
Reed, Rhonda
Rivenes, Barbara
Roberts, Ken
Robins, Kathleen
Seits, Mark
Sime, Fraser
Smith, Lynda
Snellings, Tim
Stetson, Luree
Stevens, Craig
Thompson, Rayne
Voegel, Hal
Wallace, Lisa
Walsh Cody, Casey
Ward, Kevin
Wermiel, Dan
Wills, Leah
Wright, Cary
Ziegler, Sam
Zyskind Strauss, Jay

Regional Council of Rural Counties/Plumas County BOS
UC Cooperative Extension/Shasta-Tehama Bioregional Council
Northern California Water Agencies
Yolo County Democratic Center Committee
California Department of Fish and Game
Yuba Watershed Council
Yuba River Conservancy
Ulati Resource Conservation District
Tetra Tech, Inc.
California Department of Water Resources
Metropolitan Water District
County of Nevada
California Department of Conservation
Jones & Stokes
Agricultural Council of California
Community Outreach Consultant
Truckee River Watershed Council
California Department of Food and Agriculture
UC Davis Information Center for the Environment
CALFED Watershed Program
Plumas Corporation
Sweetwater Authority
U.S. Environmental Protection Agency
Yuba Watershed Council

MEETING MATERIALS

- Meeting Agenda
 - Proposition 13 RGCP
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ACTION ITEMS

- Set priorities for the Watershed Subcommittee; share with BDPAC (Watershed Subcommittee)
- Compile list of BDPAC Public Work Groups; share with the Watershed Subcommittee (Ms. Laychak)
- Continue discussion regarding Watershed Program budget; identify priorities for Watershed Program funding (Watershed Subcommittee)
- Continue discussion regarding Assembly Bill 2117 and associated report to the Legislature (Watershed Subcommittee)